

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) Docket No. 10-cr-10306-RGS  
KAREN M. TUCKER, )  
Defendant. )  
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)

**DEFENDANT'S ASSENTED-TO MOTION TO CONTINUE SENTENCING**

Defendant Karen M. Tucker, through counsel, respectfully submits this motion to continue her sentencing, currently scheduled for January 12, 2010, by approximately eight (8) weeks to any date convenient to this Court during the week of March 14, 2011.<sup>1</sup>

In support of this motion, Ms. Tucker states as follows:

1. In September, 2010, Ms. Tucker was charged by Information with wire fraud in violation of 18 U.S.C. § 1343 and aggravated identity theft in violation of 18 U.S.C. § 1028A, as well as forfeiture proceedings under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).
2. The Information detailed a fraudulent scheme that took place between December 2007 and July 2010, in which Ms. Tucker actually took monies in exchange for promising to promote bridal events in various cities.
3. On September 24, 2010, the parties entered a plea agreement.

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<sup>1</sup> Trial Counsel is not available at any time during the week of March 21, as he will be out of state.

4. On October 7, 2010, the defendant pleaded guilty to the Information, as it alleged one count of wire fraud in violation of 18 U.S.C. § 1343 and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A.
5. The defendant is currently detained at the Donald. W. Wyatt Detention Facility in Central Falls, Rhode Island, pending sentencing.
6. In preparation for sentencing, defense counsel requested her military medical records, including psychiatric records from the United States Marine Corps. That request was eventually routed to the National Personnel Center in Missouri. Despite repeated requests, six weeks passed before those records were ultimately produced.
7. Handwritten psychiatric notes from the Marine Corps confirm a diagnosis by Marine Corps health personnel of borderline personality disorder (a major mental illness in Axis II of the DSM-IV), as well as severe substance abuse. They also reference an apparent suicide attempt. These records date back to the early 1980s, and as far as counsel is aware, there has been no further treatment/diagnosis.
8. A full and current understanding of the defendant's mental illness is of critical importance to her sentencing; it is germane both to a possible request for a downward departure due to diminished capacity under USSG 5k2.13, as well as a request for a below-guidelines sentence pursuant to 18 U.S.C. § 3553(a).
9. As a result, the defendant seeks a sixty-day continuance of her sentencing to allow time for a complete forensic psychiatric evaluation to be conducted.

Her counsel has retained Dr. Roger Gray, a board-certified forensic psychiatrist, to perform the evaluation.

10. Dr. Gray requires four to five weeks to complete his evaluation and written report.
11. Scheduling and completing the evaluation is necessarily complicated by the defendant's incarceration in Rhode Island.
12. Moreover, additional time will be required for the government to review the report and to perform its own evaluation of the defendant, if desired, as well as for Probation to review the reports and possibly incorporate them into the revised Presentence Report.
13. A sixty-day continuance is in the interests of justice and will prejudice neither party.
14. The United States assents to this motion.

### **CONCLUSION**

For the foregoing reasons, the defendant respectfully requests that her sentencing be continued to the week of March 14, 2011, and that all sentencing-related deadlines be adjusted accordingly.

Dated: January 20, 2011

Respectfully submitted,  
KAREN M. TUCKER  
By her attorneys,

/s/ R. Bradford Bailey  
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Certificate of Service

I, R. Bradford Bailey, hereby certify that on this the 20th day of December 2010, I caused a true copy of the foregoing *Defendant's Motion to Continue Sentencing* to be served upon counsel for the United States, and all other parties registered for service in this matter, by electronically filing the same via the CM/ECF system.

/s/ R. Bradford Bailey  
R. Bradford Bailey